

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:05CR172
§
KENNETH ALLEN CHEATWOOD §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 18, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Randy Blake.

On November 16, 2006, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence of 41 months imprisonment followed by a 3-year term of supervised release, for the offense of counterfeiting obligations of the United States. Defendant began his term of supervision on September 20, 2010.

On October 5, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 44). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer as directed by the Court or probation

officer, and shall submit a truthful and complete written report within the first five days of each month; (3) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and (4) Defendant shall notify the probation officer ten days prior to any change of residence or employment.

The Petition alleges that Defendant committed the following violations: (1) On July 19, 2011, Defendant was arrested by the Texarkana Police Department for passing counterfeit bills at a local convenience store. Defendant was charged with forgery and released from jail after posting a \$50,000 bond. As of October 5, 2011, the charge is pending in Bowie County District Court; (2) Defendant failed to submit a written monthly report for the month of August 2011; (3) During a telephone conversation on July 25, 2011, Defendant was instructed to report to the U.S. Probation Office on July 28, 2011. Defendant failed to report as directed; and (4) During a telephone conversation on July 25, 2011, Defendant reported that he was residing with his parents in Hooks, Texas. However, a home visit conducted on August 1, 2011 to Defendant's reported residence revealed he is not living there are reported. Defendant's mother stated he is living in the Texarkana area, but she is unaware of the exact location.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 18, 2011 hearing, the Court recommends that Defendant be committed to

the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Springfield, Missouri, or other appropriate medical facility.

SIGNED this 24th day of October, 2011.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE